HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 898 of 2005

Appellants	1.	Ashok Kashyap, S/o Narendra Kashyap, aged about 50 years.
	2.	Kumari Dipa Kashyap, S/o Ashok Kashyap, aged about 18 years. Both R/o Karbala Road, Bilaspur (C.G.)
	Versus	
Respondents	1.	Minder Singh, S/o Mahendra Singh @ Swarn Singh, R/o Tilak Nagar, Jaipur (Rajasthan).
	2.	Shri Ikramuddin, S/o Shri Imamuddin, R/o Raj Engineering 89/A, Industrial Estate, Bhilai Nagar, District- Durg (C.G.).
	3.	Branch Manager, The New India Insurance Company Ltd., Rajendra Nagar Chowk, District- Bilaspur (C.G.).
	4.	Shri Subhash Sharma, S/o I.P.Sharma, R/o H.C. 109, Shailendra Nagar, Raipur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Suresh Verma, Advocate, for the appellants.

Mr. Prashant Jayaswal, Senior Advocate with Shri Ali Asgar, Advocate for the Respondent No.3.

ORAL ORDER

(13th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. In this appeal preferred by the father and sister of the deceased, the appellants have sought for more compensation. It was contended by learned counsel for the appellants that though the M.A.C.T. has deducted only 1/3rd of the income of the deceased towards personal expenses, but, while computing actual loss of dependency, it has taken only 1/3rd of the income of the deceased and thereby committed an error apparent on the face of the order.

If we took 2/3rd of the income of the deceased for the purpose of computing loss of dependency the total loss of dependency would come to Rs. 5,44,000/- (32000x17).

2. In the result we allow this appeal in part and award sum of Rs. 5,44,000/- towards loss of dependency as against sum of Rs. 2,72,000/- awarded by the M.A.C.T. The award shall stand modified accordingly. In all other respects, the impugned award shall stand unaltered. In the facts and circumstances of the case, the parties shall bear their respective cost.

Sd/- Chief Justice	Sd/- Satish K. Agnihotri Judge

Thakur